



FREDERICK COUNTY BOARD OF APPEALS FREDERICK COUNTY, MARYLAND

30 North Market St. Frederick, Maryland 21701 (301) 600-2572

BOARD OF APPEALS FILING PROCEDURES

1. Proper application must be made in the Office of Zoning Administrator, 30 N. Market Street. Application forms will be sent upon request.
2. If person filing the appeal is other than the owner, an affidavit of ownership authorizing said person to make the appeal must be filed. If person filing the appeal is contract purchaser, a copy of contract must be filed. If person filing the appeal is a lessee, an affidavit of ownership and a copy of lease must be filed.
3. Names and addresses of ALL persons owning property on ALL sides of the subject property MUST be supplied at the time of filing BY THE APPLICANT on proper form supplied by this office. This list is to include property owners opposite the subject parcel across a road, right-of-way, stream or railroad.
4. Application fees:

SPECIAL EXCEPTION REQUEST:	
• Accessory Apartment	\$ 221.00
• Limited Agricultural Activity	\$ 110.00
• Others	\$ 825.00
VARIANCE REQUEST	\$ 607.00
ACTIVITY within FLOODPLAIN	\$ 550.00
CLAIM OF ADMINISTRATIVE ERROR:	
• Decision of BoCC or FcPc	\$1200.00
• Others	\$ 364.00

These fees are to cover the cost of the newspaper notice, the placard, and notices to adjacent and confronting property owners. If paid by check, check is to be made payable to **Frederick County**.

5. Placard announcing hearing date will be given to the applicant when case is filed, supplied by the Zoning Administrator's Office. An instruction sheet and affidavit of posting will be supplied as well and is to be notarized and returned once the sign is posted.
6. MUST have sketch plan or adequate drawing showing distance of structure or use from all property lines, well/septic/public utility lines, driveway, parking, etc. **Twenty (20) copies** are needed, to be folded to 8 ½ x 11" size. Most successful applicants prepare a justification statement addressing the **general** and **specific** Ordinance requirements (see other side) of the proposal then attach it to the application when it is submitted to the office.
7. Board of Appeals members will make an on-site inspection of the property prior to the public hearing. **Stakeout of the proposed building or activity will help to clarify the request.**
8. A newspaper notice will be published by this office 15 days prior to the hearing. Notices to adjacent property owners will also be sent at this time.
9. Applicant or agent for applicant MUST be present at hearing to present case before the Board of Appeals.
10. Applicant will be formally notified in writing of decision by the Board of Appeals. If case is approved, approval from this office will be forwarded to the Office of Permits and Inspections, if a zoning certificate has been applied for and conditions met. Applicants must apply for zoning certificate or, if necessary, sites plan approval prior to construction or commencement of use. If case is disapproved, the applicant has thirty (30) days to appeal this decision to the Circuit Court.

If you are pursuing a *variance*, you should prepare a statement to address the following general criteria (excerpted from Section 1-19-3.220 (C), of the Frederick County Zoning Ordinance) with your filing and at the hearing:

1. First, the Board of Appeals shall find that special conditions and circumstances exist which are unique to the land or structure involved and which are not applicable to other lands or structures in the same district.
2. Upon making this finding the Board of Appeals shall also find that the following criteria are met:
 - a. That the special conditions and circumstances do not result from the actions of the applicant; and
 - b. The literal interpretation of the provisions of this chapter would result in unreasonable hardship and deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this chapter; and
 - c. That granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district; and
 - d. That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

If you are pursuing a *special exception*, you should prepare a statement to address the following general criteria (excerpted from Section 1-19-3.210, of the Frederick County Zoning Ordinance) at the time of filing and at the hearing. Specific criteria are listed separately in Ordinance Article VIII.

- A. An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.
- B. A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:
 1. The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter; and
 2. The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and
 3. Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and
 4. Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
 5. The road system providing access to the proposed use is adequate to serve the site for the intended use.